

REMARKS

Undersigned Applicant's representative wishes to thank Examiner Boykin for the helpful and courteous discussion regarding the merits of this application held on August 18, 2004. The substance of this discussion will be expanded upon in the remarks made below. The suggestions made by the Examiner in both the interview and the Office Action have been adopted, therefore obviating the indicated rejections.

Accordingly, the provisional rejection of claims 1-100 under the judicially created doctrine of double patenting over claims 1-17 of copending application serial No.: 10/698,398 is respectfully traversed.

It is believed that the amendment to Claim 1, of the present application in conjunction with the amendment to Claim 1 of the copending application 10/698,398, obviates the rejection. Thus, the claims of the present application are distinct from the claims of copending application 10/698,398 in that the claims of the present application require a cosolvent selected from a Markush Group, thus distinguishing from the term "a mixture thereof" recited in Claims 1 and 11 of the copending application. Accordingly, Applicant respectfully requests the withdrawal of the provisional rejection.

In addition, as discussed with Examiner Boykin in the above mentioned interview, the present application is assigned to Folia, Inc. by the sole inventor, namely Graham Swift. In contrast copending application 10/698,398 is assigned to Folia, Inc by inventor, Graham Swift and to the United States of America as represented by the Secretary of Agriculture by the additional Inventors, namely, K.M. Doll, R.L. Shogren, R.A. Holser and L. Willett. Accordingly, the two applications are not owned by the same entity. Copies of pertinent Assignment instruments filed with the USPTO, including date stamped filing receipts, are attached herewith in accordance with Examiner Boykin's request.

A marked-up sheet of the amended claim is attached herewith.

Appl. No.: 10/698,397
Amdt. Dated 08/19/2004
Reply to Office action of 06/24/2004

Having complied with the suggestions made by Examiner Boykin, Applicant submits that the application is now ready for allowance and early notification to that effect will be greatly appreciated.

Customer No.: 28727

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stamatios Mylonakis", written in a cursive style.

Stamatios Mylonakis, Ph.D.
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MARKED-UP SHEET

Claim1. A method for preparing a polysuccinimide, which comprises, subjecting aspartic acid to polymerization in a solvent of supercritical fluid to form a polysuccinimide; wherein said supercritical fluid is selected from the group consisting of CO₂, NH₃, H₂O, N₂O, xenon, krypton, methane, ethane, ethylene, propane, pentane, methanol, ethanol, isopropanol, isobutanol, CClF₃, CFH₃, cyclohexanol, CS₂, and a mixture thereof; ~~and~~ wherein the supercritical fluid is used in conjunction with a cosolvent; and wherein the cosolvent is selected from the group consisting of trans-2-hexenyl acetate, ethyl trans-3-hexenoate, methyl caproate, isobutyl isobutyrate, butyl acetate, butyl methacrylate, hexyl acetate, butyl butyrate, pentyl propionate, methyl ethanoate, ethyl caproate, methyl dodecanoate, 2-ethylbutyl acetate, methyl oleate, dodecyl acetate, methyl tridecanoate, soybean oil methyl esters, hexane, heptane, tetradecane, hexadecane, toluene, 1-hexadecene, 1-dodecanol, 1-nonanol and a mixture thereof.



THE OFFICIAL DATED STAMP HEREON BY THE
U.S.P.T.O. ACKNOWLEDGES RECEIPT OF THE
FOLLOWING:

APPLICATION OF: Graham Swift et al

SERIAL No.: New Application

FILING DATE:

DOCKET No.: 103-008-CIP;

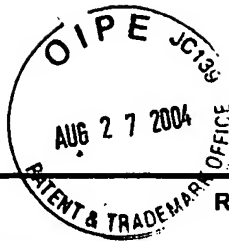
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ENCLOSURE(S):

1. Application (Disclosure 43 pages, 100 Claims, 3 Drawing)
2. Cover Letter/Authorization to Charge (2 pages)
3. White Advance Serial Number Card (1 page)
4. Credit Card Payment Form (1 page)
5. Application Data Sheet (1 page)
6. Utility Patent Application Transmittal (1 page)
7. Transmittal Form (1 page)
8. Fee Transmittal (1 page)
9. Fee Determination Record (1 page)
10. Declaration of Utility (2 pages)
11. Power of Attorney (1 page)
12. Recordation Form Cover Sheet (1 page)
13. Assignment of Application (1 page)
14. IDS (1 page and 5 references)



Form PTO-1595
(Rev. 03/01)

OMB No. 0651-0027 (exp. 5/31/2002)

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U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Graham Swift

Additional name(s) of conveying party(ies) attached? ☒ Yes ☐ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: 10/30/2003

2. Name and address of receiving party(ies)

Name: Folia, Inc.

Internal Address: _____

Street Address: 2800 Milan Court

City: Birmingham State: AL Zip: 35211

Additional name(s) & address(es) attached? ☐ Yes ☐ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: 10/30/03

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☐ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Ralph N. Runge

Internal Address: Folia, Inc.

Street Address: 2800 Milan Court

City: Birmingham State: AL Zip: 35211

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

- ☒ Enclosed
☐ Authorized to be charged to deposit account

8. Deposit account number:

502674

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Stamatios Mylonakis

Name of Person Signing

Signature

10/31/03
Date

Total number of pages including cover sheet, attachments, and documents: 1

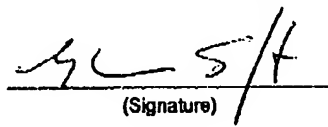
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PTO/SB/15 (02-01)

Approved for use through 05/31/2002. OMB 0631-0027

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ASSIGNMENT OF APPLICATION	Docket Number (Optional) 103-008-CIP
<p>Whereas, I/We, <u>Graham Swift</u> of <u>Chapel Hill, NC</u>, hereafter referred to as applicant, have invented certain new and useful improvements in <u>Methods of Synthesis of Polysuccinimide, Copolymers of Polysuccinimide and Derivatives thereof</u></p> <p><input type="checkbox"/> for which an application for a United States Patent was filed on _____ Application Number _____ / _____.</p> <p><input checked="" type="checkbox"/> for which an application for a United States Patent was executed on <u>October 30, 2003</u>, and</p> <p>Whereas, <u>Folia, INC</u> of <u>Birmingham, AL</u> herein referred to "assignee" whose mailing address is <u>2800 Milan Court, Birmingham</u> is desirous of acquiring the entire right, title and interest in the same;</p> <p>Now, therefore, in consideration of the sum of <u>one</u> dollars (\$ <u>1.00</u>), the receipt whereof is acknowledged, and other good and valuable consideration, I/We, the applicant(s), by these presents do sell, assign and transfer unto said assignee the full and exclusive right to the said invention in the United States and the entire right, title and interest in and to any and all Patents which may be granted therefor in the United States, I/We hereby authorize and request the Commissioner of Patent and Trademarks to issue said United States Patent to said assignee, of the entire right, title, and interest in and to the same, for his sole use and behoof; and for the use and behoof of his legal representatives, to the full end of the term for which said Patent may be granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.</p> <p>Executed this <u>Oct 30</u> day of <u>October</u>, 20<u>03</u> at _____</p> <div style="text-align: right; margin-right: 100px;">  (Signature) </div> <p>State of _____) County of _____) SS:</p> <p>Before me personally appeared said _____ and acknowledged the foregoing instrument to be his free act and deed this _____ day of _____, 20 ____.</p> <div style="display: flex; justify-content: space-between;"> <div>Seal</div> <div>(Notary Public)</div> </div> <p><small>Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. See below.</small></p> <p>* <input checked="" type="checkbox"/> Total of <u>2</u> forms are submitted.</p>	

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner of Patents and Trademarks, Washington, DC 20231.